

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

MATTHEW OKONKWO,)
)
Petitioner,)
)
Against)
)
UNITED STATES OF AMERICA,)
)
Respondent,)

Civil Action No 1:07-CV-1062-MHT, MIDDLE DISTRICT ALA.

MOTION FOR DEPORTATION PROCEEDING INJUNCTION IN
SUPPORT OF MOTION UNDER 28 U.S.C. §2255 HABEAS CORPUS

COMES NOW, Matthew Sunday Okonwo, petitioner proceeding pro-se in this matter, respectfully moves this Honorable Court to at least stay deportation proceeding pending out come of this case.

As special condition of supervision, see PAGE 5 OF DOCUMENT 53 AMENDED JUDGEMENT IN A CRIMINAL CASE FILED FEBRUARY 6TH 2007, petitioner was ordered to be remanded to the custody of the Bureau of Immigration and Customs Enforcement for deportation proceedings upon completion of the term of imprisonment. The term of imprisonment of 24 month will be completed on January 7th 2008, and petitioner is concerned of deportation upon completion of this sentence as ordered.

As grounds for this motion, petitioner states as follows:-

(1) That petitioner is innocent and legal in this country. John Onadeko

or his other name as used in this matter Jonathan Adewumi committed the crime and is on the run. The petitioner is in prison today for doing what is right by honestly helping those in need.

(2) That petitioner entered United States on September 22 1985 through JFK International Airport, New York with nonimmigrant multiple visa without expiration date. On August 1988 petitioner applied for adjustment of status to that of permanent resident, during interview, the examiner inform me that my spouse had withdraw her petition. Deportation proceeding was set in motion for accepting unauthorized employment. Petitioner was not represented by attorney and has no knowledge of immigration law which states that nonimmigrant who is married and supports U.S. citizen may obtain employment without work authorization from INS. However, at the end of the trial, Immigration Administrative Judge ordered that petitioner be deported. Petitioner was detained without bond, 30 days later petitioner was released without bond and advised to reconcile with his spouse and refile new petition.

(3) That on February 5 1993 a new application was filed and approved in January 31, 1994. Approval of that petition made immigrant number immediately available for adjustment of status. The examiner gave us waiver application form which if approved will remove deportation order. That waiver petition was filed and approved in 1995.

(4) That about November 1995, National Visa Center notified petitioner about his choice whether to pick up immigrant visa at U.S. Consulate abroad or adjust status in U.S if petitioner is in U.S. Since petitioner is in U.S.

chooses to adjust his status in U.S. Couple of weeks later National Visa Center advised petitioner to apply to nearest immigration office for adjustment of status, since then petitioner had filed three consecutive applications and paid all fees yet no response to this date.

(5) That about 1998, Attorney Evron filed application on my behalf of petitioner, Immigration Appeal Judge, states that he construe that application as a motion to reopen and that motion to reopen is too late adding that the deficient can be cured through joint motion. In 2000, petitioner file another application for adjustment, few months later I receive a letter from INS advising me not to travel out of United States without their knowledge as such travel may change my status. Petitioner never left this country since September 1985. It is absolutely wrong to label petitioner as illegal.

(6) That on 13th of April 2006 petitioner was arrested and taken to Montgomery, about 20 miles to Montgomery the IRS special agent called David of Immigration and Customs Enforcement and inform him that Mr. Okonkwo is under arrest and will be in his office shortly. On arrival at his office, David seized all my documents which establish my legality. Petitioner was asked by IRS Special Agent Tim to take with him all documents relating to immigration without knowing it was a set up to seize those papers. David said those papers will hurt him. At bond hearing he lied that petitioner was illegal and defense attorney Peterson failed to object to those lies despite facts he was fully informed of the situation. There after the prosecution in the criminal case took advantage of the situation to insure petitioner did not get bond. With believe that petitioner is easy prey without green card and bond. Petitioner avers that he is legal and has

done everything possible to comply with the law and has no control over those who choose to take it personal.

(7) Petitioner is the founder and Bishop of Church of Healing and Prophecy International, a Alabama non-profit corporation, oversees two other churches in Georgia. Founder and President of Eagle Financial Services, an Alabama corporation. Has two children and spouse with great community ties. If deported his family all U.S. citizens would suffer extreme and unusual hardship. Already since petitioner's incarceration, his daughter has dropped from school, when inquired, her mother said the absent of her father was the cause. Petitioner is very, very close with his family.

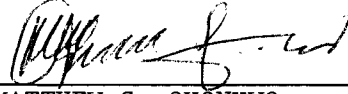
(8) That if petitioner is deported as planed at the end of his prison term, the truth about this matter would unjustly suppressed given that injustice is already manifested in this case. The deportation is now based on the conviction and sentence which are obviously questionable. The petitioner is not illegal in U.S. as erroneously claimed by the prosecution. The reason petitioner can think why prosecution made such claim was nothing but to help them secure conviction and it worked for them becuae there is no way petitioner could have been convicted without such claim. Petitioner attach Notice of Approval of Relative Immigrant Visa Petition and National Visa Center letter as (EXHIBIT 1 and 2) in support of this motion.

Petitioner prays this Honorable Court to grant this deportation Injunction Motion because of (a) interest of justice, (b) petitioner is not a fly risk as claimed, (c) prison term served and restitution payment is up to date, (c)

family and community tie, (d) irreparable harm the petitioner would suffer.

Dated : December 30, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew S. Okonkwo', is written over a horizontal line.

MATTHEW S. OKONKWO
Petitioner, pro-se
McRae Correctional Facility
P. O. Box 30
McRae, GA 31055

CERTIFICATE OF SERVICE

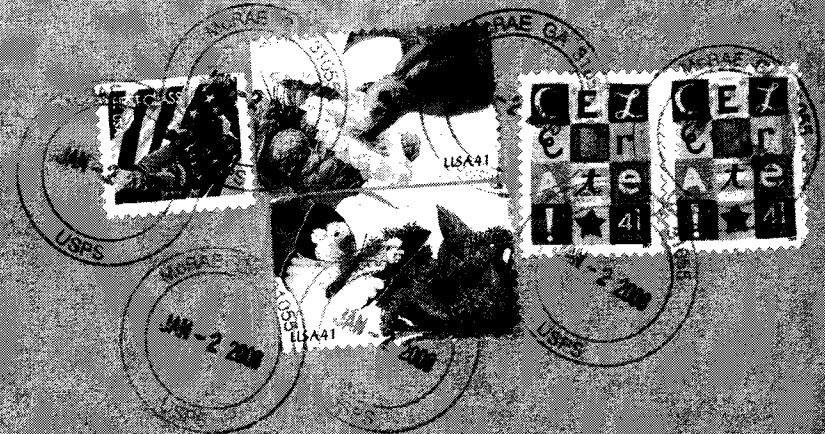
I hereby certify that I have this 30th day of December 2007, serve a copy of the foregoing motion for preliminary injunction in support of motion under U.S.C. § 2255 in paper format, by placing the copy of the same in the United States Postal Service, deposited in mail box at McRae Correctional Facility, properly addressed and first class postage paid upon:

Mr. Andrew O. Schiff,
Assistant United States Attorney,
United States Attorney's Office,
One Court Square, Suite 201,
Montgomery, Alabama 36104

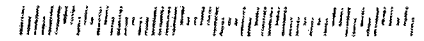
A handwritten signature in black ink, appearing to read 'Matthew S. Okonkwo', written over a horizontal line.

Matthew S. Okonkwo, pro-se
Petitioner
McRae Correctional Facility,
P. O. Box 30,
McRae, GA 31055

Matthew S. Okonkwo
11926-002
P. O. Box 30
McRae, GA 31055



Clerk
Office of the Clerk
United States District Court
P. O. Box 711
Montgomery, AL 36101-0711



INFOPASS
Your e-Ticket to Immigration
Information.

NOV 27 2007
K. BURNETTE
ATL. IIO

Name: Brenda Faye Okonkwo

Appointment Type: Speak to immigration officer

Confirmation No.: ATL-07-39267

Authentication Code: 7d42

Appointment Date: November 27, 2007

Appointment Time: 1:00 PM

Location: 2150 PARKLAKE DRIVE, Atlanta, GA 30345; LOBBY

**This is your Confirmation
Number:**



* ATL - 07 - 39267 *

Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.

- **You must appear in person and bring photo identification along with this appointment letter.**
- **Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)**
- **In order that we may serve you more efficiently, we recommend that you bring all applicable immigration forms, letters, receipts and supporting documents. If translations are used, they should be certified. Please bring the original documents as well.**
- **If applying for an interim employment card, you must bring a passport or previously issued employment authorization card. After clearing security, please enter the InfoPass line in the main lobby. Thank you.**

UNITED STATES DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

77 Forsyth St., S.W.
Atlanta, GA 30303

NOTICE OF APPROVAL OF RELATIVE IMMIGRANT VISA PETITION

NAME AND ADDRESS OF PETITIONER

Angelia Delois OKONKWO
1213 Summit Street
Dothan, Alabama 36301

NAME OF BENEFICIARY	
Matthew Sunday OKONKWO	
CLASSIFICATION	FILE NO.
201(b)	A 27 906 495
DATE PETITION FILED	DATE OF APPROVAL OF PETITION
2/5/93	1/31/94

Date: 2/1/94

Please be advised that approval of the petition confers upon the beneficiary an appropriate classification. The approval constitutes no assurance that the beneficiary will be found eligible for visa issuance, admission to the United States or adjustment to lawful permanent resident status. Eligibility for visa issuance is determined only when application therefor is made to a consular officer; eligibility for admission or adjustment is determined only when application therefor is made to an immigration officer. Also, please note the items below which are indicated by "X" marks concerning this petition:

1. ☐ YOUR PETITION TO CLASSIFY THE BENEFICIARY AS AN IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN HAS BEEN FORWARDED TO THE UNITED STATES CONSULATE AT _____. THIS COMPLETES ALL ACTION BY THIS SERVICE ON THE PETITION. THE UNITED STATES CONSULATE, WHICH IS UNDER THE SUPERVISION OF THE DEPARTMENT OF STATE, WILL ADVISE THE BENEFICIARY CONCERNING VISA ISSUANCE. *Inquiry concerning visa issuance should be addressed to the Consul. This Service will be unable to answer any inquiry concerning visa issuance.*
2. ☐ IF YOU BECOME NATURALIZED AS A CITIZEN OF THE UNITED STATES AND AN IMMIGRANT VISA HAS NOT YET BEEN ISSUED TO THE BENEFICIARY, NOTIFY THIS OFFICE IMMEDIATELY, GIVING THE DATE OF YOUR NATURALIZATION. AT THE SAME TIME, IF THE PETITION WAS IN BEHALF OF YOUR SON OR DAUGHTER, ALSO ADVISE WHETHER THAT PERSON IS STILL UNMARRIED. THIS INFORMATION MAY EXPEDITE THE ISSUANCE OF A VISA TO THE BENEFICIARY.
3. ☐ YOUR PETITION FOR PREFERENCE CLASSIFICATION, AS SHOWN ABOVE, HAS BEEN FORWARDED TO THE UNITED STATES CONSULATE AT _____. THIS COMPLETES ALL ACTION BY THIS SERVICE ON THE PETITION. THIS SERVICE HAS NOTHING TO DO WITH THE ACTUAL ISSUANCE OF VISAS. VISAS ARE ISSUED ONLY BY UNITED STATES CONSULS WHO ARE UNDER THE JURISDICTION OF THE U.S. DEPARTMENT OF STATE. UNDER THE LAW ONLY A LIMITED NUMBER OF VISAS MAY BE ISSUED BY THAT DEPARTMENT DURING EACH YEAR AND THEY MUST BE ISSUED STRICTLY IN THE CHRONOLOGICAL ORDER IN WHICH PETITIONS WERE FILED FOR THE SAME CLASSIFICATION. WHEN THE BENEFICIARY'S TURN IS REACHED ON THE VISA WAITING LIST, THE UNITED STATES CONSUL WILL INFORM HIM AND CONSIDER ISSUANCE OF THE VISA. *Inquiry concerning visa issuance should be addressed to the Consul. This Service will be unable to answer any inquiry concerning visa issuance.*
4. ☐ THE PETITION STATES THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. THE ENCLOSED APPLICATION FOR THIS PURPOSE (FORM I-485) SHOULD BE COMPLETED AND SUBMITTED BY THE BENEFICIARY WITHIN 30 DAYS IN ACCORDANCE WITH THE INSTRUCTIONS CONTAINED THEREIN. (IF THE BENEFICIARY HAD PREVIOUSLY SUBMITTED FORM I-485 WHICH WAS RETURNED TO HIM, HE SHOULD RESUBMIT THAT FORM WITHIN 30 DAYS.)
5. ☐ THE BENEFICIARY WILL BE INFORMED OF THE DECISION MADE ON HIS PENDING APPLICATION TO BECOME A LAWFUL PERMANENT RESIDENT (FORM I-485).
6. ☐ THE PETITION STATES THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. HOWEVER, AN IMMIGRANT VISA NUMBER IS NOT PRESENTLY AVAILABLE, THEREFORE, THE BENEFICIARY MAY NOT APPLY TO BECOME A PERMANENT RESIDENT.
7. ☐ ORIGINAL DOCUMENTS SUBMITTED IN SUPPORT OF YOUR PETITION UNACCOMPANIED BY COPIES THEREOF HAVE BEEN MADE A PERMANENT PART OF THE PETITION. ANY OTHERS ARE RETURNED HERewith.
8. ☒ REMARKS At this time, the approved petition will remain in the beneficiary's file.

VERY TRULY YOURS,

Thomas P. Fischer
DISTRICT DIRECTOR

National Visa Center
32 Rochester Avenue
Portsmouth, NH 03801-2909

December 13, 1995

MATTHEW SUNDAY OKONKWO
1213 SUMMIT ST
DOTHAN AL 36302

DEAR MATTHEW SUNDAY OKONKWO:

Your inquiry has been received at the NVC. The immigrant visa petition you mentioned in your letter has been entered into our computer system and assigned the case number listed below.

The NVC received notification of your intent to adjust status in the United States. We will hold the current petition at the NVC until we are notified by the Immigration and Naturalization Service (INS) to return the petition.

To apply for adjustment of status in the US you must submit the "Notification of Immigrant Visa Approval" to the nearest INS office. If you did not receive this form, please contact the INS.

Case Number: LGS-1995824006
Beneficiary's Name: OKONKWO, MATTHEW SUNDAY
Preference Category: IR1
Your Priority Date: February 05, 1993
Foreign State Chargeability: NIGERIA
U.S. Embassy/Consulate: AMEMBASSY LAGOS
Traveling Applicants:

NAME	DOB	POB
OKONKWO, MATTHEW SUNDAY	December 15, 1957	NIGERIA

